MT LEGISLATIVE HISTORY

Chapter 174 1985

Bill H _____ S 31 Original bill & hist. ___C

H. Committee on Local Government

Hearing Date(s) Mar 12 ✓C

_____ ___C

_____ ___C

_____ ___C

Date Out Mar 12 ✓C

S. Committee on Local Government

Hearing Date(s) Jan 08 ✓C

Jan 10 ✓C

_____ ___C

_____ ___C

Jan 10 ✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

you pay your taxes under protest, they would pay all the taxes and pay them under protest. If the taxpayer prevailed they would get the interst, and if the county prevailed, they would get the money. The present thing works out pretty well.

Rep. Switzer then said it seemed to him that would work very well with that last amendment. That would be the final entry made until the payment is made. Mr. Groepper said that with Mr. Burr's amendment there is still a problem with interest money being lost in the county, even if there is a saving of paper work.

Rep. Switzer asked Mr. Groepper to comment on the number of county tax appeal boards. Mr. Groepper said it varies somewhat by counties. More than 50% of the cases of the county tax board are reversed by the state.

Rep. Sands asked Mr. Burr to comment on Mr. Groepper's observation about lost interest. Mr. Burr answered that if the department is sustained in their assessment and the taxpayer has been paying on the lower assessment, he doesn't see any problem with that. His main problem is that there may be people who are forced to borrow at 15%, and only get 8% back from the county.

Rep. Poff asked Mr. Brown how the amendment will affect the bill. Steve Brown answered that is the reason they have protest funds. He said he would like to suggest some alternative form of protest fund to enable taxpayers to go out and invest money.

CONSIDERATION OF SENATE BILL NO. 31: Senator Himsl of District 3, Kalispell, presented the bill to the committee, as sponsor. He said he is presenting it at the request of the county commissioners and the county attorneys. It is an act providing for waiver of county surveyor qualifications when the office of county surveyor is consolidated with another county office and providing for contracting with a person who meets those qualifications to perform duties of the county surveyor. Senator Himsl presented written testimony which is attached as exhibit 1, and proposed an amendment. He urged approval of the amendment. There are 41 counties that do not have surveyors, 13 counties elect surveyors, and two appoint surveyors. There are 23 offices that have consolidated offices, most of them in the area of the sheriffs and coroners. In his case they have elected to authorize the clerk and recorder to assign the position to a qualified person.

PROPONENTS: Gordon Morris, representing Montana Association of Counties, stated they support this bill. The data that Senator Himsl referred to is accurate as it was compiled by MACO. He asked for a DO PASS.

OPPONENTS: There were no opponents present.

In closing, Senator Himsl told the committee he would appreciate their support of the bill.

DISCUSSION OF SENATE BILL NO. 31: Rep. Pistoria asked Senator Himsl why the auditor is allowed to have the job when he does not have the qualifications. Senator Himsl said the county commissioners can give it to the clerk and recorder, and they can assign it to someone else who can do the job. They can combine it with another county office.

Rep. Poff said he would like to have a response to the question from Gordon Morris. Mr. Morris responded that he thinks what needs to be pointed out is that if the offices are combined and the new person doesn't have the qualifications, the combined office holder has to hire someone in the profession who can do the job.

CONSIDERATION OF SENATE BILL NO. 20: Senator Fuller of District 22 appeared as sponsor of this bill. He told the committee this is a repealer bill discovered a couple of years ago in Helena. The bill simply repeals the miscellaneous county licenses on billiard tables and bowling alleys. He said by looking at the fiscal note, the total income is $26,000. The bill was put in back in the times when bowling alleys were viewed as a place where they needed more law enforcement officers.

PROPONENTS: Clark Pyfer of East Helena and representing himself as part owner of the Sleeping Giant Lanes, said this law was passed in 1903. They have had to pay all licenses and county taxes, at $20 per lane, which is $400 each year. He asked the committee's support of the bill.

OPPONENTS: Dick Michelotti, representing the Montana Treasurers' Association, from Cascade County, stated this bill got through the Senate before they got a chance to look into it. In Cascade County they lost $4,800, and this money would go into their general fund. He sees nothing in this bill to replace anything, and stated they oppose the bill and asked the committee to kill it.

Gordon Morris, representing Montana Association of Counties, told the committee that they opposed this

Rep. Hansen also stated she wanted to go on record as a proponent, as she worked with his wife in Campfire Girls.

The whole Local Government Committee wanted to go on record in support of this resolution, as well as Gordon Morris of the Montana Association of Counties.

Senator Van Valkenburg closed his presentation. Rep. Stella Jean Hansen agreed to carry the bill.

The committee then went into executive session for action on bills.

DISPOSITION OF SENATE JOINT RESOLUTION NO. 20: Rep. Brown moved that SJR 20 BE CONCURRED IN, and this was seconded by Rep. Hansen. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 858: Rep. Sands explained he was not trying to interfere with this bill, that an election isn't needed for revenue bonds. On page 7, there is a provision that creates comprehensive port zoning regulations, on page 8, lines 18 through 20, the authority may introduce a 30-year contract, and the port authority can decide who can do best at the port. Rep. Brown said the governing body does have the authority. People are elected to take stands and not take it back to the people all the time.

Rep. Sands then moved the amendment, to go for voter approval, and this was seconded by Rep. Switzer. Question was called for, and motion FAILED.

Question was then called on the original bill to be amended.

Rep. Brandewie asked Rep. Brown about subsection 6, on page 7. Rep. Brown said the amendment took that section out. Lee Heiman explained that is amendment #4.

Question being called for on Rep. Hansen's motion of DO PASS AS AMENDED, and motion PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 31: Rep. Brown made the motion of BE CONCURRED IN, and this was seconded by Rep. Hansen. Question being called, motion PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 102: Rep. Brown moved that SB 102 BE CONCURRED IN, seconded by Rep. Fritz. Question being called for, motion PASSED UNANIMOUSLY.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 12, 19

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓		
Dave Brown	late		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	late		✓
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

Please attach to minutes.

Exhibit
SB 31
3-12-85
Sen. Himsl

The Big Sky Country

MONTANA STATE SENATE

SENATOR MATT HIMSL
DISTRICT NO. 9. FLATHEAD COUNTY
305 4TH AVE. E.
KALISPELL. MONTANA 59901

COMMITTEES:
FINANCE & CLAIMS. CHAIRMAN.
PUBLIC HEALTH

Re: Surveyor status

Intro: Mr. Chairman and members of the Committee:

I am Senator Matt Himsl, Senate District 3, and the principal sponsor of Senate Bill 31.

Request - Co. Com., Co. Attorney

In Flathead county---and there must be several other counties---does not elect a county surveyor the duty is assigned to the office of the Clerk and Recorder. The auditors have repeatedly criticized the county for assigning such office without statutory authorization where the job calls for specific qualifications.

This amendment would, in effect, waive the title of COUNTY surveyor in the case of consolidation of offices but would allow and require the assigned officer, with the approval of the governing body, to employ a qualified person to perform the duties of a surveyor.

A similar provision, with the same language, is found in Section 20-3-201 (3) MCA relating to the office of county superintendent of schools.

I urge your approval of the proposed amendment.

STANDING COMMITTEE REPORT

March 12, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 31

THIRD reading copy (BLUE color)

WAIVER OF COUNTY SURVEYOR QUALIFICATIONS UPON OFFICE CONSOLIDATION.

Respectfully report as follows: That SENATE Bill No. 31

BE CONCURRED IN

DO PASS

PAULA DARKO, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

OPPONENTS

There were no opponents to SB 1.

Questions from the Committee were called for.

Senator Crippen wantedto know what amount of money was being talked about here. Robert McCracken said about ten to thirty thousand dollars a year was reverted.

Senator McCallum stated the money was not only used for the County but for the City also and that it seemed like there would have to be a cap put on the dollar amount.

Chairman Fuller asked Senator Christiaens to draft an amendment to the bill and get it to Karen Renne, the legislative researcher for the Committee.

The hearing was closed on SB 1.

CONSIDERATION OF SENATE BILL 31: Senator Matt Himsl, District #3, is the sponsor of this bill. It was introduced to provide for the waiver of county surveyor qualifications when the office of county surveyor is consolidated with another county office and to provide for contracting with a person who meets those qualifications to perform the duties of county surveyor. Senator Himsl's written testimony is attached as Exhibit A to these minutes.

PROPONENTS

There were no proponents for SB 31.

OPPONENTS

C.R. Hanson, County Surveyor for Lewis and Clark County, stated that the bill would allow county commissioners to eliminate the office of county surveyor and that he opposed the bill on that basis. His main concern is that the bill would erode the professional qualifications in the public sector and that if you can waive the qualifications of the county surveyor, you could also waive the qualifications of the county attorney, etc.

Senator Himsl stated he thought Mr. Hanson had misunderstood the bill and that it had nothing to do with the qualifications of county surveyors.

Questions from the Committee were called for.

Senator Eck asked how many counties now had county surveyors and if they had trouble filling those positions. Mr. Hanson said there were about twenty-six positions and, although they are low paying positions, they are able to fill them.

Senator Crippen said there was an almost identical bill for the County Superintendent of Schools and wanted to know how that was working.

Richard Trerise, representing the County Superintendent of Schools Association, was called upon and stated they were having some problems. They have several county positions across the State that have been consolidated. The offices that the positions have been consolidated into have interpreted this to mean that they can simply hire someone on their staff with the qualifications and then they work in the county office seven and a half hours a day and maybe get a half hour to try to perform the duties of the county superintendent.

They have had more success where an office was consolidated and that person contracted for the service with another county superintendent in an adjoining county and therefore had someone who know the job perform it.

Senator Regan asked Senator Himsl if counties already have the power to consolidate if they wish to. Senator Himsl said they do.

Senator Himsl stated that in the case of Flathead County, which had consolidated, the Clerk and Recorder contracts with a licensed land surveyor to do the job. This is fine, but the auditors say the Clerk and Recorder does not have the authority to contract. Therefore, this always gets noted in the audit report.

The hearing was closed on SB 31.

CONSIDERATION OF SENATE BILL 38: Senator Joseph Mazurek, District #23, is the sponsor of this bill. The bill was requested by the Department of Revenue and the Revenue Oversight Committee. It was introduced to clarify the time at which a county clerk and recorder or assessor must make changes to the assessment book. Anytime court decisions are appealed or changed in any way, the assessment book has to be changed. The purpose of this bill is to not make any changes in the assessment book until there is a final decision. This has financial impact on the clerk and recorders, the taxpayers, and the county. Senator Mazurek also submitted a proposed amendment to SB 38. The proposed amendment is attached as Exhibit B to these minutes.

PROPONENTS

Gregg Groepper, representing the Department of Revenue, stated they support this bill because to constantly make changes in the assessment book is a lot of work for nothing and nobody wants to make a change until the matter is final. This bill would save some work for the clerk and recorder and the assessor's office and hopefully reduce the cost of government.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

1:00 p.m.

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 01-08-85

NAME	PRESENT	ABSENT	EXCUSED
Senator Crippen, Bruce	✓		
Senator Eck, Dorothy	✓		
Senator Harding, Ethel	✓		
Senator Hirsch, Les	✓		
Senator McCallum, George	✓		
Senator Mohar, John (V.Chair)	✓		
Senator Pinsoneault, Dick	✓		
Senator Regan, Pat	✓		
Senator Story, Pete	✓		
Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

DATE 01-08-85 1:00 p.m.

COMMITTEE ON LOCAL GOVERNMENT

VISITORS' REGISTER

NAME (PRINT)	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jerry Stephens	House of Clerk & Recd	38/50	X	
Peggy Grosfield	Dept. of Revenue	38/50	X	
Gus Byrom	Montana Assoc. of Planners	SB 1	X	
Richard Trenise	MACSS	SB 31		X
Robert M. McCracken	Mt. Dept. of Commerce	SB 1	X	
C R Henson	Co. of Lewis & Clark	SB 31		X
Pat Wilson	Montco / Thurmal	SB 1		
Rick Robinson	Idaho - McCallum	all		
Kathy Anne	Dept. Commerce - Ida.	all		
Gordon Morris	MACo		all	
Todd Hudak	MACo		all	

(Please leave prepared statement with Secretary)

The Big Sky Country

EXHIBIT A
LOCAL GOVERNMENT COMMITTEE
January 8, 1985 1:00 p.m.

MONTANA STATE SENATE

SENATOR MATT HIMSL
DISTRICT NO. 9, FLATHEAD COUNTY
305 4TH AVE. E.
KALISPELL, MONTANA 59901

COMMITTEES:
FINANCE & CLAIMS, CHAIRMAN.
PUBLIC HEALTH

Re: Surveyor status

Intro: Mr. Chairman and members of the Committee:

I am Senator Matt Himsl, Senate District 3, and the principal sponsor of Senate Bill 31.

In Flathead county---and there must be several other counties---does not elect a county surveyor the duty is assigned to the office of the Clerk and Recorder. The auditors have repeatedly criticized the county for assigning such office without statutory authorization where the job calls for specific qualifications.

This amendment would, in effect, waive the title of COUNTY surveyor in the case of consolidation of offices but would allow and require the assigned officer, with the approval of the governing body, to employ a qualified person to perform the duties of a surveyor.

A similar provision, with the same language, is found in Section 20-3-201 (3) MCA relating to the office of county superintendent of schools.

I urge your approval of the proposed amendment.

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 10, 1985

The second meeting of the Local Government Committee was called to order at 1:00 p.m. on January 10, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 7: Senator Ted Neuman, District #21, is the sponsor of this bill. The bill was requested by Interim Joint Subcommittee No. 3. It was introduced to authorize securities of the Federal Home Loan Mortgage Corporation to be pledged to secure deposits of public funds.

PROPONENTS

Terry Carmody, representing the Montana Association of Realtors, stated he would like to go on record as being in favor of the bill.

OPPONENTS

There were no opponents to SB 7.

Questions from the Committee were called for.

Chairman Fuller asked what different types of securities Freddie Mac is involved in. Mr. Neuman stated that they are involved in private home loan mortgages and conventional residential mortgages.

The hearing was closed on SB 7.

FURTHER CONSIDERATION OF SENATE BILL 31: Senator McCallum stated that, at the last meeting, he had concerns about SB 31. He talked to Senator Harding and other people and feels comfortable that in no way could the County Commissioners abolish the County Surveyor job during the period of time when an individual has been elected to this position. That was his main concern and, therefore, he withdraws his reservations regarding SB 31.

Senator Eck stated she had also talked with the County Commissioners and the County Surveyor has two functions. One is to certify plats and a surveyor is needed to do that. It doesn't matter if he is an engineer. They also have the responsibility of supervising the construction of county roads and bridges. In that case, they really do need an engineer. Therefore, if they start contracting, it would appear that they would have to contract for the two different functions, but there shouldn't be any problems with doing that.

ACTION TAKEN ON SENATE BILL 31: Senator McCallum moved that the Committee recommend a DO PASS on SB 31. The motion passed unanimously.

ACTION TAKEN ON SENATE BILL 7: Senator Story moved that the Committee recommend a DO PASS on SB 7. The motion passed unanimously.

CONSIDERATION OF SENATE BILL 20: Senator Dave Fuller, District #22, is the sponsor of this bill. It was introduced to repeal the miscellaneous county licenses on billiard tables and bowling alleys.

PROPONENTS

Clark Pyfer spoke in favor of the bill. His written testimony is attached as Exhibit A to these minutes. A letter of support to Mr. Pyfer from the Montana Bowling Proprietors Association is attached as Exhibit B to these minutes.

OPPONENTS

Gordon Morris, representing the Montana Association of Counties, stated he would like to go on record as being opposed to the bill in principle. It is his opinion that the bill would require counties to issue refunds on the taxes and he would like to not see them put in that position. While the impacts are virtually negligible as far as revenue collection goes, he opposes the principle of reducing county revenues.

Greg Jackson, representing Urban Coalition, stated he has the same concerns as Mr. Morris. While he has no concerns about the dollard amount, he is also opposed to the principle of reducing county revenues.

Questions from the Committee were called for.

Senator Pinsoneault wanted to know where the money goes. Mr. Pyfer stated that it goes to the County general fund.

Senator Fuller said he would have Karen Renne, the legislative researcher, review the bill as it was not the intent of the bill to have the counties do refunds on the taxes already paid.

Senator Eck stated that in this session, the legislature is looking at expanding the options of counties to collect taxes and that this bill would seem to limit that. She also asked how much the tax was. Mr. Pyfer said it was twenty dollars a year per bowling lane.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th
~~XXXIX~~ LEGISLATIVE SESSION -- 1985

1:00 p.m.

Date 01-10-85

SENATE SEAT #

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	✓		
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		
28 Senator Mohar, John (V.Chair)	✓		
44 Senator Pinsoneault, Dick	✓		
19 Senator Regan, Pat	✓		
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

January 10 19 85

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE BILL No. 31

first reading copy (white color)

A BILL FOR AN ACT ENTITLED:

"WAIVER OF COUNTY SURVEYOR QUALIFICATIONS UPON OFFICE CONSOLIDATION"

Respectfully report as follows: That SENATE BILL No. 31

~~DO PASS~~

~~DO NOT PASS~~

Dave Fuller Chairman.